

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 4 is cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1-3, and 5-21 are pending. Claims 1, 3, 5, 7, 10, 14-18, and 20 are amended, and claim 21 is added. Claims 1, 16, and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 6, 11, 19, and 20 would be allowable if rewritten in independent form including all of the limitations of the base and intervening claims. The Applicants thank the Examiner for the early indication of allowable subject matter in this application. In response, each of independent claims 1 and 16 is amended herein to set forth a novel combination of elements not suggested by the references cited by the Examiner, and independent claim 21 is added combining the subject matter of claim 1, claim 10, and the allowable subject matter of objected-to claim 11. Accordingly, it is believed that each of claims 1, 16, and 21 is in condition for allowance.

Claim for Priority

The Examiner has acknowledged the Applicants' claim for foreign priority based on Japanese Patent Application No. 2003-095105.

Information Disclosure Citation

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed on March 19, 2004, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Objection to the Drawings

The Examiner asserts that engine hanger 24, connecting pipes 25, support plates 33, and the cut-out portion are not sufficiently shown in FIG. 1. In response, connecting pipes 25, support plates 33, and the cut-out portion are cancelled from the claims. It is believed that the engine hangers 24 (as shown in FIG. 5, and claimed in claims 3 and 17, as amended) are now properly disclosed and illustrated.

Objection to the Specification

The Examiner has objected to the paragraph [0001] of the Specification (Cross-Reference to Related Application), indicating that foreign priority may not be claimed in this paragraph. The Applicants separately claimed foreign priority based on Japanese Patent Application No. 2003-095105 when this application was originally filed, and, as mentioned above, the claim for priority has been acknowledged by the Examiner. Therefore, the Applicants respectfully submit that foreign priority has been properly claimed, and that no change is needed to paragraph [0001]. Accordingly, the objection to the specification should be withdrawn.

The Examiner will note that the Applicants have voluntarily amended paragraphs [0017] and [0018] to merely to clarify the claimed subject matter. No new matter have been entered.

Rejection Under 35 U.S.C. § 112, first and second paragraphs

Claims 1-20 stand rejected under 35 U.S.C. § 112, first and second paragraphs. These rejections are respectfully traversed.

The Examiner states that the original specification does not disclose "prismatic cross sectional shape" (Claims 1 and 16) and "cut-out portion" (Claim 15).

In order to overcome this rejection, Applicants have amended claims 1, 15, and 16. Support for these amendments can be seen in paragraphs [0017] and [0018] of the specification, which have been amended in order to provide proper antecedent basis in the specification for the claimed subject matter. Further, the Applicants submit that paragraph [0017] and FIG. 5 provide adequate support for claims 3 and 17, as amended. Claim 4 has been cancelled, and claim 17 has been amended to cancel reference to connecting pipes and support plates, and claim 15 has been amended to cancel reference to cut-out portion.

Applicants respectfully submit that the claims, as amended, are fully supported by and adequately described in the written description of the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. § 102(b) and § 103(a)

Claims 1-5, 7-10, and 12-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Okada et al. (U.S. 6,024,185). Further, claims 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada et al. and Tsunnoda et al. (U.S. 4,805,716). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Amendments to Independent Claims 1 and 16

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 is amended herein to recite a combination of elements, including *inter alia*

the pipe members being curved in an outwardly convex shape with respect to a longitudinal centerline of said motorcycle frame at a longitudinally intermediate position of each pipe member when viewed from a top view, wherein a distance between lower portions at the longitudinally intermediate position of each pipe member is greater than a distance between than upper portions at the longitudinally intermediate position of each pipe member,

each of the pipe members including an inner wall and an outer wall;

the inner wall being formed with a substantially continuous inwardly and downwardly facing concave surface an overall length of each pipe member and with respect to the vertical direction of each pipe member, and the outer wall being formed with a substantially continuous outwardly and upwardly facing convex surface and being substantially parallel with the inner wall.

See FIGS. 3 and 5, for example, for support.

By contrast, as can be seen in Okada FIG. 8, this document merely discloses merely discloses a pipe member 4 that ahs a vertical inner wall 4b. In addition, the pipe member 4 is not curved in an upwardly convex shape.

Tsunoda et al. was cited merely to show ribs 29d, 31d, and was used in the rejection of claims 13 and 14. However, Tsunoda et al. cannot be used to make up for the deficiencies of Okada et al. to reject any of claims 1, 16, or 21.

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 16 is not disclosed or made obvious by the prior art of record, including Okada et al. and Tsunoda et al., at least for the reasons explained above.

Therefore, independent claims 1 and 16 are in condition for allowance.

As mentioned above, added independent claim 21 is in condition for allowance.

The Examiner will note that dependent claims 3, 5, 7, 10, 14, 15, 17, 18, and 20 are amended to place them in better form.

Added independent claim 21 is in condition for allowance.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

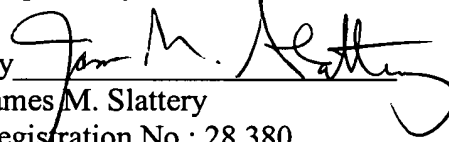
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to deposit account no. 02-2448 for any additional fees required under 37 c.f.r. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,

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